

Meeting of 2009-5-26 Regular Meeting

MINUTES

LAWTON CITY COUNCIL REGULAR MEETING
MAY 26, 2009 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 Frank Jensen, City Attorney
 Traci Hushbeck, City Clerk
COL Ray Lacey, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:03 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Reverend Gordon Russell, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
James Hanna, Ward Two
Janice Drewry, Ward Three
Jay Burk, Ward Four
Robert Shanklin, Ward Five
Richard Zarle, Ward Six
Stanley Haywood, Ward Seven
 Doug Wells, Ward Eight

ABSENT: None

AUDIENCE PARTICIPATION:

Raymond Schmidt, 1112 NW Dearborn, stated the Council represents the citizens and must meet this obligation. He stated the Council needs to determine whether items are required as opposed to things they would like to do. Items required are police, fire, utilities, schools and medical. Those not required could be expansion of existing projects or new projects.

Mayor Purcell stated that Mr. Schmidt is referring to the budget and he will need to wait until the public hearing. It is not appropriate to address this issue at this time.

Dan Woesner, 10 SW 17th Street, stated on May 23rd he received a letter from Anthony Griffith regarding the grass at one of his rental properties. He stated we have received almost continuous rain this past month. He found the letter arrogant and offensive. These people need to be reminded that they are public servants and not dictators. He submitted photos of grass growing around city facilities. He feels they need to look into some of these things that are being sent out to residents.

Carol Gardner, 2306 NW 72nd Street, stated she was concerned after reading the article in Sunday's paper regarding the fire department. She stated she knows that the fire department is asking for two additional firefighters in the budget. She is concerned with the procedure they have for the resignation and termination process. She agrees that there should be some preference given to Lawton residents in hiring. She also feels that those hired should be mirroring the diversity of this community. She would like these issues to be addressed as they add those new firefighters in the future.

Steven Goss, 532 SW 11th Street, stated the City Council will be receiving a comprehensive report he is working on regarding the City of Lawton sign ordinance. He stated that he feels this ordinance is being arbitrarily enforced. He stated the trailer in question is a very expensive, professional and conforming sign. He stated the sign ordinances are unconstitutional based on the Hudson Test and there are preferences made to the content of the signs and he also feels singled out. He has found hundreds of violations across town that no one wants to address. He stated he believes they will find very few sign permits that are actually being issued and very few fees that have been collected as required.

Phillip Boswell, 6108 NW Cheyenne, stated that golf carts have taken over out at the lake. He stated they have run

into his pickup and are out until 4:00 a.m. stealing and drag racing around the park. He pays \$400 a month to keep his RV out there and he feels he should be able to sleep at night. He knows the limit is 14 years old, but there are 7 year olds out there driving around. His kids cannot even play because they will get ran over. He suggested the City Council raise the age limit to the same as a drivers license. He stated Fort Cobb has gotten rid of the golf carts and now they have a family atmosphere.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF MAY 12, 2009.

MOVED by Hanna, SECOND by Drewry, to approve the minutes of May 12, 2009. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Purcell stated they need to strike item #19. Wells requested items #4, #7, #8, #11 and #12 and Hanna requested item #5 be considered separately.

MOVED by Drewry, SECOND by Shoemate, to approve the Consent Agenda with the exception of items #4, #5, #7, #8, #11, #12 and #19. AYE: Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval and consider passage of the resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Altikriti Mohammed in the amount of \$835.41. Exhibits: Legal Opinion/Recommendation and **Resolution No. 09-51**.

2. Consider the following damage claim recommended for denial: C. Ann Davis in the amount of \$272.00. Exhibits: Legal Opinion/Recommendation.

3 Consider accepting an engagement letter for technical accounting and consulting services with the firm of Crawford & Associates, P.C., and provide guidance to staff as appropriate. Exhibits: Engagement Letter with Crawford & Associates, P.C.

4. Consider accepting a boathouse, 14X40 in size, estimated value at \$51,000, donated by Jason A. Buschman and approve staff recommendation to permit use of boathouse exclusively by city employees as a benefit of their employment. Exhibits: Letter of request from Jason A. Buschman, D.D.S.

Well stated if they accept this boathouse he feels they should either sell it or rent it out to the public with the rental value being enough to cover maintenance.

Drewry stated Dr. Buschman donated the boat for this use.

Kim Shahan, Parks and Recreation Director, stated the boathouse is not being donated for a specific use.

Shanklin questioned how they would go about letting the employees use it.

Shahan stated the recommendation by staff is an incentive for the employees. There is a house on Lake Ellsworth that is available by reservation for the employees to use. He stated this is not an overnight facility, it is used for family reunions, birthdays, etc. This is how the structure of this boathouse would be.

Wells stated he would recommend that we make it available to all citizens of Lawton for a rental fee equivalent to the maintenance costs.

Shahan stated they would need some clarification on how staff would manage the rental.

West stated he would recommend it as a rental facility where people could go out and spend several days.

Mayor Purcell stated there seems to be a lot of unknowns and suggested they table this item.

MOVED by Wells, SECOND by Zarle, to table until the June 9th meeting. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna. NAY: None. MOTION CARRIED.

5. Consider accepting a donation from the Lawton Enhancement Trust Authority to the City of Lawton Parks and Recreation Department for the construction of the Wall of Fame and restrooms at the Miracle League site at Elmer Thomas Park. Exhibits: Letter of disbursement from LETA.

Hanna stated that staff had requested he pull this item.

Shahan stated this item was pulled so that they could acknowledge the contribution that has been made over the years from LETA. They initiated the 2 miles of concrete bicycle track in Elmer Thomas Park and they generated that money for eventually having a restroom facility as part of the bike trail. Now with the new project, the Miracle Field, they saw the opportunity to combine the efforts of LETA and to also have a restroom at the Miracle Field site. He has asked Kelly Bass, who started the project three years ago, to come tonight and receive this gift from LETA.

Kelly Bass, Mountain Metro Ambucs, stated they truly appreciate this generous donation.

Burk recognized those who are members of LETA and Lawton Beautiful, Inc.

MOVED by Hanna, SECOND by Haywood, to accept a donation from LETA for the construction of the Wall of Fame and restrooms at the Miracle League site at Elmer Thomas Park. AYE: Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry. NAY: None. MOTION CARRIED.

6. Consider approving two (2) Temporary Restrictive Covenants and two (2) mortgages with Great Plains Improvement Foundation, Inc. (GPIF), a Community Housing Development Organization (CHDO) to secure the City's current and future financial interest on two (2) properties: 1817 SW Jefferson and 1819 SW Jefferson, and to enforce the agreement signed by GPIF and the City Of Lawton. Authorize the Mayor and City Clerk to execute the documents. Exhibits: A copy of the Draft mortgages and covenants are on file at the City Clerk's Office.

7. Consider and take appropriate actions to accept \$890,500 which has been awarded to the City of Lawton through The American Recovery and Reinvestment Act of 2009 under the Department of Energy's Energy Efficiency and Conservation Block Grant Program. Exhibits: Oklahoma Department of Commerce Notice Letter, dated April 3, 2009 and

Appendix A: EECBG Program Allocations, page 27.

Wells questioned how much of the \$890,500 is going towards the assessment we will be paying to Chevron Energy.

Bryan Long, Assistant City Manager, stated it can be no more than 10%.

Wells questioned how much we spend on electricity a year out at the wastewater treatment plant.

Jerry Ihler, Public Works Director, stated approximately \$300,000.

Wells stated the commentary states that 30% of the grant will go to construction costs.

Long stated the assessment is designed to answer these questions.

Wells questioned how much of the grant will go towards the construction.

Long stated approximately 90%. The total cost is unknown at this time.

Ihler stated a budgeted estimate would be \$3 million.

Wells stated if we replaced all of the utilities it would take about 10 years to break even on utility costs. He questioned if they have budgeted for the other \$2 million.

Mitchell stated this was part of the original assessment that Chevron did for the entire city facilities. He stated that they asked Chevron to look into the possibility of putting a wooden turbine at the wastewater treatment plant. Chevron ran an engineering analysis and they said it would not pay for itself in fifteen years, which is their parameter for doing this kind of a project. Now that the grant is available, they can make this project feasible. The other part is that they are making other improvements at the wastewater treatment plant such as introducing a UV system which will be consuming higher levels of power. With this combination they feel they can save money in the long run.

Ihler stated he needs to clarify that the amount of electricity that they utilize is actually \$800,000 a year.

Wells stated they need to figure out how they are going to come up with the \$2 million to fund the rest of the project.

Ihler stated if they could not get the fifteen year payback, then they would not move forward with that project. The payment for the construction comes from the cost savings in the energy, just as they have done with the

performance contract in the lighting and HVAC projects.

Wells stated he would move for approval provided the cost assessment shows that they will get their payback within fifteen years.

Mitchell stated when they do the analysis it will come back for council approval. Staff is just asking for permission to move forward with the assessment.

MOVED by Wells, SECOND by Zarle, to accept \$890,500 through The American Recovery and Reinvestment Act of 2009 under the Department of Energy s Energy Efficiency and Conservation Block Grant Program. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

8. Consider acknowledging receipt of a permit for the construction of waterlines and appurtenances from the Oklahoma Department of Environmental Quality to serve the NW 2nd Street Enhancement Project #2005-12, City of Lawton, Comanche County, Oklahoma. Exhibits: Permit to Construct dated April 30, 2009 is on file in the City Clerk s Office.

Wells questioned how much money they still had in the Section 108 loan.

Mitchell stated the project just started so they still have the \$2 million to pay for the construction.

Wells questioned if the ODOT grant required a match.

Mitchell stated the ODOT grant was about \$900,000. We received two enhancement grants from the Oklahoma Department of Transportation.

Richard Rogalski, Planning Director, stated the ODOT grant was around \$1 million and we had about \$2 million from the Section 108 loan. Council provided another \$600,000 to award the project. The Section 108 and the Council money can all move towards a match on the ODOT money, so there is no additional match.

MOVED by Wells, SECOND by Haywood, to acknowledge receipt of a permit for the construction of waterlines and appurtenances from the ODEQ to serve the NW 2nd Street Enhancement Project #2005-12, City of Lawton, Comanche County, Oklahoma. AYE: Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk, Shanklin. NAY: None. MOTION CARRIED.

9. Consider approving the construction plat for Dove Creek Addition, Part 3, subject to conditions. Exhibits: Plat Map.

10. Consider accepting the 8-inch waterline to serve Storage Depot located at NW 40th Street and Rogers Lane, the easement, and the maintenance bond. Exhibits: Location Map
Maintenance Bond and Easement on file in City Clerk s Office.

11. Consider approving the Fiscal Year 2010 Unified Planning Work Program for the Lawton Metropolitan Transportation Planning Process. Exhibits: FY 2010 UPWP.

Wells questioned if this match is in lieu of funds or is it actual money.

Rogalski stated the UPWP covers our long range planning and the 20% match required is less than what the City of Lawton is paying the planners, so there is no additional out of pocket expense.

MOVED by Wells, SECOND by Haywood, to approve the Fiscal Year 2010 Unified Planning Work Program for the Lawton Metropolitan Transportation Planning Process. AYE: Haywood, Wells, Shoemate, Hanna, Drewry, Burk, Shanklin, Zarle. NAY: None. MOTION CARRIED.

12. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for metropolitan transportation planning for Fiscal Year 2010. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton.

MOVED by Wells, SECOND by Haywood, to approve the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for metropolitan transportation planning for Fiscal Year 2010. AYE: Wells, Shoemate, Hanna, Drewry, Burk, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

13. Consider approving the Memorandum of Understanding between the City of Lawton and the Lawton Metropolitan Planning Organization for Congestion Mitigation Air Quality programs and projects during Fiscal Year 2010. Exhibits: Memorandum of Understanding between LMPO and the City of Lawton.

14. Consider approving a resolution of support of Lawton Public Schools in recognition of the awarding of Safe Routes to School grant for projects at Howell and Whittier Elementary Schools. Exhibits: Resolution No. 09-__.

15. Consider awarding (CL09-046) Heavy Wrecker Service to Alford s Truck & Wrecker Service, Inc. of Lawton, OK. Exhibits: department recommendation, abstract of bids.

16. Consider awarding (CL09-043) NEMA Standard Pole Mount Traffic Signal Cabinet to Traffic Parts, Inc. of Spring, TX. Exhibits: department recommendation, abstract of bids.

17. Consider extending the contract (RFPCL07-054) Life Insurance with Brokerage Services, Inc. representing Lincoln Financial Group of Oklahoma City, OK. Exhibits: Department Recommendation, Proposal Price Sheet, Contract Extension Form.

18. Consider extending the contract (CL08-043) Alternate Daily Cover (ADC) with Landfill Service Corp. of Apalachin, NY. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

19. Consider approving contract change order of (CL08-064) Temporary Workers. Exhibits: Change Order.

THIS ITEM WAS STRICKEN FROM THE AGENDA

20. Consider extending the contract (CL08-064) Temporary Workers with Express Employment Professionals of Lawton, OK. Exhibits: Department Recommendation, Abstract of Bids, Assignment of Contract, Contract Extension Form.

21. Consider extending the contract (CL08-049) Nomex Uniforms with Wayest Safety, Inc. of Oklahoma City, OK. Exhibits: Department Recommendation, Price Sheet, Contract Extension Form.

22. Consider approving appointments to boards and commissions. Exhibits: None.

City Planning Commission (CPC)

David Denham

Ward 5

1012 NW Bell

Lawton, Oklahoma 73507

05/10/11

23. Consider approval of payroll for the period of May 4 - 17, 2009.

NEW BUSINESS ITEMS:

Mayor Purcell stated they need to strike item #33 because it is not ready to be heard tonight.

24. Hold a public hearing to receive input from citizens and to consider changes to two (2) Consolidated One-Year Actions Plans: federal fiscal year s (FFY): FFY 2008, Change 2; and FFY 2009, Change 1. Consider approving City Council Resolution 09-__, and authorize the Mayor and City Clerk to execute the implementing documents. Exhibits: FFY 2008, Change 2; and FFY 2009, Change 1 are available for review in the City Clerk s Office.

Tim Libby, Grants and Fiscal Officer for Housing and Community Development, stated they have until June 5th to provide a response to HUD with a plan on how they plan to use these funds. He presented a power point presentation.

Wells stated that the amounts will give each project a little more than they originally requested.

Mayor Purcell stated they are giving them more than what they asked for.

Libby stated really they are not actually recommending more than requested for any agency, but they have recommended more funding for the two shelters.

Mayor Purcell stated this is good news because we were able to give all of those public service groups an increase through the stimulus money we received.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Wells, SECOND by Haywood, to adopt **Res. 09-53** approving changes to two (2) Consolidated One-Year Actions Plans: federal fiscal year s (FFY): FFY 2008, Change 2; and FFY 2009, Change 1. AYE: Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna, Drewry, Burk. NAY: None. MOTION CARRIED.

25. Hold a public hearing to receive input from citizens regarding the City of Lawton budget for Fiscal Year 2009-2010. Exhibits: None.

PUBLIC HEARING OPENED.

Tommy Harrell, President of the Lawton Police Officers Association, stated during an arbitration hearing last year the City's legal counsel, Mr. Tony Puckett, made argument that under the fire/police arbitration act they are entitled to have some input into the budget making process so they are taking advantage of that opportunity tonight. He stated they have asked for additional funding that is above what is in the preliminary budget. Last year at the arbitration hearing the City argued that the 2008-2009 year would only end with only a \$500,000 carry over. In looking at the budget it has changed to \$3.1 million which is a significant difference. The City's budget for the past six or seven years has consistently come in with a \$2 million plus carry over than what was projected from the prior year. They believe they are having a problem recruiting applicants at the Lawton Police Department and have watched a significant decline in the number of applicants over the years. They believe that is directly associated with their place in the market regarding wages. He stated all you have to do is pick up the newspaper or watch the news to truly get a picture of what is going on. He stated they have 165-170 officers trying to do the job that should be done by 225 officers. Morale is down and their employees are tired. He encouraged the City Council to look shift rosters.

Raymond Schmidt, 1112 NW Dearborn, stated new projects should not be considered non essential. Just because an expenditure made sense at the time, it does not necessarily mean justification for continuation. Does the expenditure meet the goals and is it still vital and should it continue to exist. He stated road repairs should be the predominant expenditure for the tax collected. He stated the flowers in the middle of 2nd Street would not be an essential expense during a time of crises when Gore is falling apart. He stated while long term goals are necessary, he does not believe we should be juggling figures to support ideas that will be better of 10-20 years down the road when we have the crutch we have today. If we have additional funds we could allocate money for these types of projects. He stated the City Council as representatives of the city has accepted the burden of meeting these obligations. They need to determine the items required to ensure they can live within the budget.

Sally Simpson, 6801 NW Faircloud, stated she is the Vice President of the Lawton Philharmonic. She requested a grant to the orchestra. Their budget is funded by season holders and by individual ticket buyers and by donations. They provide tickets to students at \$5 each and free tickets to military personnel. They would like to continue to make live music available to all citizens of Lawton.

Mayor Purcell questioned if they had a number in mind.

Ms. Simpson stated \$25,000.

PUBLIC HEARING CLOSED.

26. Receive the semi-annual update of the hotel/motel tax funded activities for FY 2008-2009 from the Northside Chamber of Commerce. Exhibits: None.

Nicole Bailey, Executive Director of the Northside Chamber of Commerce, stated a report was submitted to the City Council for the reporting period from July 1, 2008 to April 30, 2009. She has seen 174 clients since July and they have helped to generate \$701,000 in procurement and capital. This has created 23 full time jobs and 15 part time jobs. She stated even though she does not get CDBG funding anymore, she still keeps up with the economic status of her clients as well as their ethnicity. She stated the Northside Chamber does not just see African-American clients, they do not turn anyone away.

27. Receive the semi-annual update of the hotel/motel tax funded activities for FY 2008-2009 from the Lawton-Fort Sill Chamber of Commerce. Exhibits: None.

Dana Davis, President of the Lawton-Fort Sill Chamber of Commerce, distributed the 2008-2009 annual report. He introduced chamber staff in attendance. He stated the Lawton area shows strength as we continue to move forward. In 2008 Lawton experienced 1.8% increase in job gain and retail sales were up 4.9%. Wage and salary income was up 8.7%. Lawton experienced a 4.8% housing price gain all as the national economy moved in the opposite direction. He stated with regards to economic development, they believe that 85% of new jobs created come from existing businesses. One of their new projects is called Executive Pulse which is a new business and retention software program. This program provides the capability of setting up customized business and industry data tracking system for the entire Lawton area. They have identified the wind industry as being important to southwest Oklahoma. They feel we are very competitive in that area. In the last eleven months the economic

development team has received and submitted proposals for ten different projects. Total possible jobs increase for these ten projects is 2,810 with wage estimates that range from \$14/hour to \$80,000 annually. He stated the BAE project is moving forward. The Lawton Industrial Foundation will be stepping out of this equation and letting a private developer come in and build that facility. He stated with regards to their marketing campaign, they have started placing banner ads on other websites and are in the process of developing brochures for targeted industries. They are in the process of implementing an email tracking software package which will be very beneficial. With regards to the downtown hotel conference center and events center, the executive summary of the feasibility study was provided to the council. They asked the consultants to assume the development of a full service hotel with an upper upscale brand. The proposal is to build a brand hotel with 150 guest rooms with 20,000 square feet of net rentable conference space. The report finds that there is a gap in financing of \$8.5 million. With regards to the event center, the consultant has recommended the development of a multi-purpose event center, which means other than a sports specific arena, the facility could be used for a variety of events. They have recommended the seating capacity of approximately 5,000 for sporting events and 6,000 for concert capacity. He stated they believe an event center is feasible in Lawton, Oklahoma. As far as operational costs, there is a projected loss in each of those years in the analysis and those are things they need to discuss and figure out a way to actually close that gap. They asked the consultant to estimate based upon very conservative numbers. He stated the only state legislative item for this session was to bring additional dollars into the Lawton community to handle the growth that is occurring. The federal legislative issue all focus on how we grow the community and Fort Sill which include water and sewer line extensions to the new industrial land that has been purchased on the west side. He stated the co-op programs is entering its 30th year and they have established a group known as the Co-op Coordinating Council and their role is to come and tell them what direction they would like to program to move in and the events they would like to see the chamber sponsor. He stated the Chamber has been actively involved in the planning of the Army Community Covenant Signing ceremony conducted in August 2008. They have also been involved in presentations and meetings with leadership and other groups from Fort Bliss as the Air Defense Artillery School moves forward. From the tourism prospective, this was the second year for the expanded Armed Forces Day celebration. He cannot remember a time when there was better coordination and cooperation between the City of Lawton, Fort Sill and the Chamber. There were approximately 140 units marching in the parade including 2,800 soldiers and marines. He stated more than 7,000 Lawton-Fort Sill brochure maps have been distributed through the travel centers. The stated fulfillment program responded to more than 2,400 requests for the Lawton-Fort Sill region. Locally, they prepared over 3,000 convention packets, 928 tourism packets and 340 relocation packets. He stated they have made an effort to upgrade and promote their website which has resulted in an increase of visitors to the website of more than double.

Wells questioned if it would be a possibility that the Lawton Philharmonic could receive a grant from the Lawton-Fort Sill Chamber of Commerce out of hotel/motel funds. He stated it seems that years ago when this was first started, things like this would come through the Chamber.

Mr. Davis stated without looking at their application he could not answer that tonight. He stated they have considered applications from organizations in the past and have provided some funding. To provide \$25,000 out of their special events line item would take up about more than two thirds of that budget. It would be unlikely they would fund \$25,000, but they would consider the application. The application would go through the tourism committee who would rank a recommendation to the executive committee on the funding level.

28. Consider adopting a resolution establishing annual fund allocations of all future hotel/motel tax collections and authorizing the Mayor and City Clerk to execute the resolution. Exhibits: Resolution 09-___, Hotel/Motel Tax Collection History and Hotel/Motel Tax Reconciliation as of May 21, 2009.

Burk stated these are preliminary numbers and he went back and took the numbers from this past fiscal year and looked at the percentage that the Chamber and other entities were actually going to get. He stated each of these broke down to the Chamber at 75%, Northside Chamber at 5%, Museum of the Great Plains received 14%, LETA received 1%, tree pruning at Elmer Thomas Park received 2.5%, Mattie Beal received .5%, leaving about 2% as unencumbered. He stated these are the numbers he went off of. He feels both the Chambers do a great job. His goal was to streamline the process and the percentages across the board and make to make this something they could have in place when they looked at special projects that need to be funded by hotel/motel money. He tried to think of a way to have a policy in place to set aside these monies accordingly. He stated this was a fund set up with the carry over money each year to go into an economic development fund and if the Chamber needs some money from this fund they could requisition funds. He stated they are looking at a project \$1 million carry over. His thought was to put 20% each year in an economic development fund out of that fund balance and try to get to \$5 million so they could have that for an emergency situation. He stated he is also looking at using some money for quality of life initiatives such as park improvements. He feels this is part of economic development. He also included money for special projects. This would give them a guideline on how to disperse hotel/motel funds instead of always looking at hotel/motel funds to bail them out of a quick situation.

Wells stated for 20-25 years they have had this tax in place and it was sold on the idea that they would raise the money and give to the Chamber for economic development and tourism. Over the years they have started using funds for other projects. They ask people to vote for something and then they don't use it the way they said. Next time it is not going to pass. They need to stick to what they said during the election. He would rather have a little

different breakdown of the allocation. He questioned if the chamber was allowed to keep the carry over. He suggested they give the Chamber 70% and do away with the special projects, give LETA 5% and cut the economic development fund down to 15%.

David Madigan, Chairman of the Lawton Fort Sill Chamber of Commerce, stated they appreciate the support of the City Council over the past years. They differ a bit on the percentages of the distribution. He would like to recommend a funding allocation: Lawton-Fort Sill Chamber 70%, Economic Development Fund 15%, Northside Chamber of Commerce 5%, Park Improvements-Quality of Life 5% and LETA 5%. They are requesting that the expenditure of funds from the Economic Development Fund be authorized by the passage of a joint resolution between the City Council and the Lawton-Fort Sill Chamber of Commerce. He stated the 70% funding level is what they need to operate and so that they have enough capital to continue the movement of this community in the areas of tourism, economic development, military and legislative programs as well as their membership services.

MGR Toney Strickland, stated he is the Vice Chair of the Government and Military Affairs Committee. He stated they recently took a trip to Washington, D.C. which included Councilmember Wells. He stated they had phenomenal success and he invited other council members to go next year. When they met with the Secretary of the Army and the Chief of Staff of the Army a month ago, they have the utmost respect for this community. Not only do they have 9,000 soldiers and family members coming, but those numbers turn out to be much higher. Over ten years we will see an increase of about 23,000 people in our community and about 7,000 jobs created and another \$4.4 billion cumulatively added to our economy. We are going to have tremendous economic development and tourism opportunities in this community that we need take advantage of.

Roger Bank, representing the hoteliers, stated for the first five months of this year the hotels are running at 80% occupancy. The market area for Oklahoma is about 49%, so we are doing very well in Lawton and he credits the Chamber of Commerce and all of their efforts. Everything they do at the Chamber pays off and increases their revenue.

Kim Stasier, Tourism Committee, stated tourism dollars impact the community more than expected. These dollars are multiplied because the traveler consumes goods and services not only from the hotels, but also restaurants, retail establishments, cab and rental car companies and many others. According to Dunn & Bradstreet, the travel and tourism industry in Lawton employs 2,088 people. She questioned if they were willing to impact the reported \$68, 683,966,000 that was generated by Lawton-Fort Sill travel and tourism industry last year alone.

Marsha Carter, Springhill Suites, stated she is out there on state boards and there is competition for tourism. Lawton-Fort Sill Chambers put us out there to counteract competition. The 5% will make a big difference in what the Chamber can do to get the word out to the nation about Lawton-Fort Sill.

Shanklin stated there is some funding that needs to be done for some people out there but he does support this. He does agree that the economic development fund should be shared by the Chamber and the City and not monopolized by one.

Shoemate stated he does appreciate the work done by Councilmember Burk regarding this formula. He appreciates the work done by Chamber staff and all of those citizens that volunteer for the Chamber boards.

MOVED by Shoemate, SECOND by Hanna, to adopt **Res. 09-54** with disbursement as follows: Lawton-Fort Sill Chamber 70%, Economic Development Fund 15%, Northside Chamber of Commerce 5%, Park Improvements-Quality of Life 5% and LETA 5% with expenditure of funds from the Economic Development Fund be authorized only upon the passage of a joint resolution by the City Council and the Board of Directors of the Lawton-Fort Sill Chamber of Commerce.

Haywood clarified that the Chamber Board of Directors made this suggestion, not Mr. Davis.

Mr. Madigan stated the board of directors just passed this resolution this afternoon. He stated twenty board members were in attendance.

Wells stated that he has heard comments about their salaries and their salaries only run about 26-30% of their budget which is very low compared to most businesses. They really control their salaries.

Drewry questioned funding for Mattie Beal Home and the Museum of the Great Plains.

Mayor Purcell stated the next agenda item comes out of this years budget and now they are talking about next year.

Shanklin stated he would suggest they take it out of the economic development fund.

Burk stated in his proposal all unexpended funds would be transferred into the economic development fund at the end of each fiscal year. He stated the \$630,000 they are showing as carry over now would actually go into that

fund. He would like to see the museum funded out of the general fund so they can see it from day to day. He stated that park improvements do not mean money for the museum.

Mitchell stated they do not have the money to fund all of these other special projects out of the general fund.

Wells suggested they change the name from economic development to economic/tourism development and use those funds instead of general fund.

Mayor Purcell stated under this resolution, the Chamber would have to approve that change.

Jensen stated they cannot mix tourism and economic development activities.

Burk questioned if they were talking about the carry over.

Shanklin stated they are talking about appropriating funds for some of the neglected entities like Mattie Beal and the museum.

Mike Brown, previous councilmember and previous chamber chairman, stated the proposal presented by the Chamber was not taken lightly and several people have either voted on it or worked on it on a voluntary basis. The issue at hand is the hotel/motel tax and he was involved in the group that promoted it to begin with. Once the chamber realized this was funding they could be utilizing, all of the funds were given to the Chamber with the trust of the City Council and used by the Chamber for economic development and tourism. He stated over the years the Chamber and City Council have worked out situations and have been very successful. He is requesting that the City Council continue to show trust in the Chamber and the resolution allows economic development to be approved by both entities so that everyone knows that they are all behind it. They need to continue to work together.

Shanklin stated the citizens of Lawton voted the hotel/motel tax in, not the business people. The citizens of Lawton want to see some of the action and they want to see it happen now.

Mr. Brown stated that whether the request comes from the City Council or the Chamber, there is a process in place to request those funds.

Shanklin stated he does not want to have to go begging the Chamber for something. He stated if he had his way the economic development fund would be handled by the City and the Chamber, not just the Chamber.

Mr. Brown stated that they are recommending that the economic development fund be handled by a joint resolution.

Shanklin stated they are both going to have to agree.

Burk suggested they change the name of the park improvements/quality of life fund to the tourism fund. This way they can fund some of these things. This fund would not have to go to the Chamber for approval. He questioned what was going to happen with the carry over money.

Shanklin stated the carryover will stay with us.

Drewry stated she would like to hear from the Museum of the Great Plains.

Rex Givens, Museum of the Great Plains, stated that in the past several years they have gotten money out of hotel/motel tax. They do not object to this method as long as the City Council will fund them out of the general fund. But he understands that those funds are not there. He suggested that the carry over could be used next year for the museum but that would require a joint resolution with the Chamber and it is his understanding that the Chamber does not think the Museum should be funded from hotel/motel tax.

Shoemate questioned if this could be used from the tourism fund.

Burk stated there would not be enough money in that fund.

Mayor Purcell stated they have approximately \$600,000 in carryover. He questioned if they could put \$300,000 in the tourism fund and \$300,000 in the economic development fund. The tourism fund will only be built up with the 5% so at some time they will run out of money if they keep funding the Museum. This will get them through the next couple of years. He questioned if they could vote to move X amount of dollars if they create a tourism fund.

Jensen stated the City Council can allocate this money however they want as long as it is for tourism or economic development.

Mayor Purcell stated with the carry over they can take \$300,000 and put it in the tourism fund and put the rest of it in the economic development fund.

Jensen stated they would leave the rest of the percentages as 70, 15, 5, 5, and 5.

Mayor Purcell stated they would also add that there will be a joint resolution for the economic development fund. The tourism fund will only be decided by the Council. He stated they also need to add that all unexpended fund from any of the listed activities can be transferred into the economic development fund at the end of each fiscal year. He questioned if this sounded reasonable to the Chamber.

Mr. Madigan stated they need that joint resolution on the economic development fund but they are not opposed to the one time allocation so that the money can be transferred to the Museum of the Great Plains.

Mayor Purcell stated it will be one time, because it cannot be reallocated because there will be no more money in the tourism fund except for the 5% every year.

Mr. Madigan stated they need to work together as a team if they ever have to disperse those funds out of that economic development line item. He stated they have shown over history that they are very prudent with these funds. They do want to make sure that the carry over for next year will go into the economic development fund.

Jensen stated this is for the next fiscal year.

Mitchell stated once you do this it will be every year because these tourism funds are being used for operations. Once you fund this it will not be one time.

Mr. Madigan stated with regards to the Museum, the City Council needs to fund that through the city budget. He stated the problem is that hotel/motel has grown to a seven figure account and we are trying to put a band-aid on things that have not been addressed in the past.

Mayor Purcell stated if they put \$300,000 in the tourism fund, this could cover the Museum for next year and maybe even the following year. The City Council may have to come to grips that they need to fund the Museum out of the general fund. The 5% a year is not going to cover the Museum every year.

Shanklin stated they are not precluded from doing it again next year or the year after. It will be something else next year.

SUBSTITUTE MOTION by Wells, SECOND by Burk, to adopt **Res. 09-54** with disbursement as follows: Lawton-Fort Sill Chamber 70%, Economic Development Fund 15%, Northside Chamber of Commerce 5%, Tourism Fund 5% and LETA 5% with all unexpended appropriations transferred to the Economic Development Fund on June 30th of each fiscal year. Expenditure of funds from the Economic Development Fund be authorized only upon the passage of a joint resolution by the City Council and the Board of Directors of the Lawton-Fort Sill Chamber of Commerce. AYE: Wells, Shoemate, Hanna, Drewry, Burk, Shanklin, Zarle, Haywood. NAY: None. MOTION CARRIED.

Mayor Purcell stated they now need a motion that the carry over as of June 30th of this year, X amount of dollars goes into the Tourism Fund and the remainder goes into the Economic Development Fund.

MOVED by Burk, SECOND by Drewry to divide carryover from this year with \$300,000 to Tourism Fund and the remaining allocation will go into the Economic Development Fund.

Haywood questioned if this was \$630,000.

Mitchell stated they do not know the exact number.

Haywood stated he feels that half should go to tourism and half to economic development.

SUBSTITUTE MOTION by Wells, SECOND by Haywood, to divide carryover at the end of this fiscal year with 50% to Tourism Fund and 50% to Economic Development Fund.

Burk stated he feels they are tearing apart that economic development fund that needs to be built up. He would rather see that money go to the economic development fund.

VOTE ON SUBSTITUTE MOTION: AYE: Hanna, Drewry, Shanklin, Zarle, Haywood, Wells. NAY: Burk, Shoemate. MOTION CARRIED.

The Mayor and Council recessed at 8:52 p.m. and reconvened in regular, open session at

9:04 p.m. Roll call reflected all members present excluding Haywood.

29. Consider an amendment to the Agreement for Limited Services with the Museum of the Great Plains providing financial assistance in the amount of \$35,000 to cover current fiscal year expenses. Exhibits: Amendment to the Agreement for Limited Services.

Shanklin stated he would like to see the City Council make a supplemental appropriation for the Museum of the Great Plains to cover their current fiscal year expenses.

MOVED by Shanklin, SECOND by Wells, to approve an amendment to the Agreement for Limited Services with the Museum of the Great Plains providing financial assistance in the amount of \$35,000 coming out of hotel/motel tax. AYE: Wells, Shoemate, Hanna, Drewry, Burk, Shanklin, Zarle. NAY: None. ABSENT: Haywood. MOTION CARRIED.

30. Consider approving a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, increasing the boathouse fee rates at Lakes Ellsworth and Lawtonka and establishing an effective date. Exhibits: Copy of Current Fees and Charges, Schedule for Appendix A, Copy of Lakes and Lands Commission recommendation and Resolution 09-__.

Shahan stated during last years budget review, the City Council requested the Lakes and Lands Commission bring a new fee schedule for boathouse operations. On April 15, 2009 the Lakes and Lands Commission made a recommendation for these increases, which established minimum charges at School House Slough - \$900, Robinson s Landing - \$725 and Ralph s Resort - \$580. He stated these rates would go in effect on January 1, 2010.

Drewry stated that these are just minimums, the charges could be more. She stated she thought they were going to increase these gradually. This is a big increase in one year. She stated the boathouse owners spend a lot of time taking care of the property out there and it is very hard work.

Zarle questioned if the utilities were included in the lease payment.

Shahan stated they are paying for exclusive use of some of the most popular piece of property that the City of Lawton owns.

Shoemate stated you cannot compare the other two with School House Slough.

Shanklin stated he does not feel this is too high.

David Baggett, 3516 NW Ferris Avenue, stated they usually have some kind of notice. He thought this was handled last year with a gradual increase. He stated his fees with go from \$500 to \$1,550. He stated he is responsible for maintaining his own building as well as the land around his buildings. He stated his rates have doubled in five years.

Shanklin stated that does sound a little high.

(Haywood joined the meeting at 9:22 p.m.)

Burk questioned what Mr. Baggett thinks is a fair number. He stated the revenue is so low on some of these boathouses.

Mr. Baggett questioned where the revenue was going. Is it going back to the lake? What has been maintained in the last ten years? There is no gas or supplies.

Drewry stated she could support just raising it to the minimum level without adding cost for the square footage. She feels this is just too much to raise in one year.

MOVED by Drewry, SECOND by Burk, to adopt **Res. 09-55** amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, increasing the boathouse fee rates annually as follows: Ralph s Resort from \$400 to \$580, Robinsons Landing from \$500 to \$725 and School House Slough from \$600 to \$900.

Shahan stated the Lakes and Lands Commission is recommending to charge an additional fee for square footage had a lot to do with the development of School House Slough and the size of boathouses that are being built in that particular location. He stated the set rate between School House Slough and Robinson s Landing is a disparity. He stated \$900 is a good set rate for School House Slough, but he feels that \$725 is probably too high for Robinson s Landing.

Wells questioned if we issued variances for boathouses over a certain size.

Shahan stated yes.

Wells suggested we don't issue variances if we don't want mansions built out there.

Shoemate stated you could build one three stories high if you stay within the dimensions and then you pay the same amount as the one story boathouses.

Mayor Purcell stated at one point in time if you had a bigger boathouse you paid more.

Shahan stated six or seven years ago that was based on per foot.

Buford Rooks, 6410 Compass Drive, stated if someone went out there every day to fish and paid the City permit, it would only be \$365 a year. If he had an annual permit it would only cost \$10 per year to fish in that 30-foot. He stated the City of Lawton has done nothing for the boathouse owners at Ralph's Resort. The facilities and roads have not been improved in the last fifteen years.

Shoemate stated there are plans for improvements in that area.

John Nunn, 2211 NW 23rd Street, stated he is part owner of a boathouse at Ralph's Resort. He stated they realize there are expenses, but the boathouse owners take care of their own maintenance. He stated if this goes through, his fees would go from \$400 to over \$800.67. He stated they are way out of line.

Mayor Purcell clarified that if the motion on the floor passes, Mr. Nunn's rate will go to \$580.

Mr. Nunn stated he could live with that.

Mr. Baggett stated School House Slough is the premium section. There is more parking and more amenities. Those at Robinson's Landing are the working class people who just want a place to get away and have a good time. They just want to be treated fairly.

VOTE ON MOTION: AYE: Drewry, Burk, Shanklin, Zarle, Purcell. NAY: Shoemate, Hanna, Haywood, Wells. MOTION CARRIED.

31. Consider approving a resolution amending Appendix A, Fees and Charges, Lawton City Code, 2005, increasing the camping fee rate at Lakes Ellsworth and Lawtonka for 65 years of age or older, disabled persons, and youth organizations at non-preferred sites and establishing an effective date. Exhibits: Copy of Current Fees and Charges Schedule for Appendix A and Resolution 09-____.

Shahan stated this particular fee was not increased three years ago when camping fees were increased. These are non-preferred camping sites which are presently \$5 per night for senior citizens, youth and non-profit organizations. The recommendation is to increase this from \$5 to \$8 per night.

MOVED by Drewry, SECOND by Haywood, to adopt **Res. 09-56** amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, increasing the camping fee rate at Lakes Ellsworth and Lawtonka for 65 years of age or older, disabled persons, and youth organizations at non-preferred sites and establishing an effective date of January 1, 2010. AYE: Drewry, Burk, Shanklin, Haywood, Purcell. NAY: Hanna, Zarle, Wells, Shoemate. MOTION CARRIED.

32. Consider approving a variance request for City Code Section 19-5-508 A3, A4 that is associated to Boathouse Unit #51 School House Slough. Exhibits: Letter of request for variance from Zachary Corrales.

Shahan stated this boathouse has been built in a location where there was a structure at a boathouse that was sold and removed. Now there is a new structure being built and the recommendation is that a variance be approved which would allow the boathouse to be 36 x 46 instead of 30 x 40 as the code allows.

Drewry stated that would still leave 5 feet on each side.

Shahan stated yes, they meet all of the other requirements.

Mayor Purcell questioned if they will be paying the same rate that was just approved.

Shahan stated yes. He stated there are other structures in that slough area that are larger than the code allows and variances have been given in the past.

MOVED by Burk, SECOND by Drewry, to approve a variance request for City Code Section 19-5-508 A3, A4 that is

associated to Boathouse Unit #51 School House Slough. AYE: Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate, Hanna. NAY: None. MOTION CARRIED.

33. Consider and take appropriate action on a request by Mr. Kent Waller, the concession operator of School House Slough to place a structure on leased property at Lake Lawtonka, near Lot #20 boathouse. Exhibits: Letter and site improvement documents.

THIS ITEM WAS STRICKEN FROM THE AGENDA

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Wells stated that he believes that no one has been violating the open meetings act. He will continue to meet with anyone he desires and talk about items that may be on the agenda as long as it does not constitute a majority. He may be trying to gain information on any subject that is on the agenda and the law allows that.

Haywood stated he was absent for a short time because he was talking to representatives from the Northside Chamber of Commerce. They felt that they needed more money, but they felt they did not have the opportunity to say anything. He stated he will bring something back on Thursday for a vote.

Shanklin stated he has never asked anyone how they will vote. He may have told someone how he feels about a certain issue, but that is not against the law.

Hanna stated sometime the newspaper hears what they want to hear and that is why he does not talk with newspapers and television stations.

COL Lacey stated Fort Sill has its own budget challenges and they have to make hard priority choices, so he compliments the City Council on opening up the forum to the citizens and he looks to do the same at their town hall meetings.

The Mayor and Council convened in executive session at 9:54 p.m. and reconvened in regular, open session at 10:23 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

34. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2009-2010 between the American Federation of State, County and Municipal Employees (AFSCME), Local 3894, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item 34. No action is required.

35. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2009-2010 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

Jensen read the title of item 35. No action is required.

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case of International Union of Police Associations, Local No. 24 and Tommy Harrell vs. City of Lawton, Case No. 106,231, and if necessary, take appropriate action in open session. Exhibits: None.

Jensen read the title of item 36.

MOVED by Drewry, SECOND by Wells, to authorize the appeal to the Oklahoma State Supreme Court. AYE: Hanna, Drewry, Burk, Shanklin, Zarle, Haywood, Wells, Shoemate. NAY: None. MOTION CARRIED.

37. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the employment of Michael Corrales as Municipal Judge. Exhibits: None.

Mayor Purcell read the title of item 37. No action is required.

There being no further business to consider, the meeting adjourned at 10:25 p.m. upon motion, second and roll call vote.

/s/ John P. Purcell, Jr.
JOHN P. PURCELL, JR., MAYOR
ATTEST:

/s/ Traci L. Hushbeck
TRACI HUSHBECK, CITY CLERK